

### **REMARKS**

By the present amendment claims 1, 4, 5 and 6 have been amended to clarify the invention. Claims 7-17 have been newly added.

Claims 1-17 are pending in the application.

In the Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 5,828,461 to Kubo et al. Claims 4-6 were objected to as being dependent upon rejected base claim 1.

In view of the arguments that follow, Applicant respectfully traverses the Examiner's rejection of claims 1-3.

### **Summary of the Embodiments of the Invention**

Applicant discloses a printing kiosk located in public locations in which a consumer can operate for printing images. The consumer inputs image data into the kiosk by scanning an image. Once the image data is inputted into the kiosk, the image is displayed on a displaying device and the user selects the image to be printed. The kiosk includes a central processing unit (CPU) that reads the inputted image data in accordance with its control program. After the CPU produces a histogram of gradation, color or brightness of the inputted image data, the CPU evaluates white balance or brightness of the image by calculating and evaluating compensation amounts of the image. The CPU automatically corrects the white balance or brightness of the image, without the consumer's decision, by compensating color balance and exposure. The CPU displays on the kiosk in a single

screen shot the evaluation of the image's compensation amounts. If the compensation amount exceeds a predetermined limit, then the kiosk warns the consumer that printing is prohibited. If the compensation amount does not exceed a predetermined limit, then the CPU displays the payment amount for printing the corrected image.

**Rejection Under 35 U.S.C. § 102(b)**

The Examiner rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Kubo et al. The rejection is respectfully traversed.

Applicant respectfully submits that Kubo et al. do not disclose “an evaluating device that performs evaluation of a quality of the image to be printed according to the inputted image data and automatically corrects at least one of white balance and brightness the image;” and “a displaying device that displays on a screen shot an evaluation result on said evaluating device,” as recited in claim 1.

The Examiner alleged that Kubo et al. disclose an evaluating device that performs evaluation of a quality of the image to be printed by directing our attention to personal computer 12 in Fig. 1 that includes a CPU 14 for performing calculation and various control; col. 12, lines 10-13; and print density f according to the inputted image data. According to the Examiner, it is noted that the image data is read from scanner 32 in Fig. 2 is outputted to an original/paper characteristics correcting portion 48 in Fig. 2, which would be controlled by the CPU 14 of the personal computer 12 where the original/characteristics correcting portion 48 is for evaluating of the quality of the image to be printed by establishing the print density data f, which is considered as the data of the quality of the image, based on the

kind of original image and the kind of photosensitive material and outputting the print density data  $f$  to the monitor display. The Examiner further alleges that Kubo et al. discloses a displaying device that displays a result of the evaluation on the evaluating device by directing our attention to reference 30 in Fig. 1 and col. 14, lines 62-67.

However, Kubo et al. disclose an image processing method and system for an original image that has an input setting menu displayed on a monitor that allows setting of a type of scanner and a kind of original image to be read into the system. The image processing system and method of Kubo et al. requires parameters to be initially set in look-up tables. Additionally, the image data read from the scanner is saved in three stages as a read image (conversion data memory) when corrected by the scanner/original characteristic correcting portion, an intermediate image (density data memory) when corrected by the original/paper characteristic correcting portion, and display image (monitor data memory) when corrected by the paper/monitor characteristics correcting portion.

Kubo et al. requires a correction at each stage of the read image that requires user interaction in order to select parameters that have been previously stored in look-up tables in order to correct image data. The series of selection of parameters of Kubo et al. that requires user interaction is not analogous to "an evaluating device that performs evaluation of the image to be printed according to the inputted image data and automatically corrects at least one of white balance or brightness of the image." Moreover, various setting operations are displayed on the monitor in order to select the parameters at each stage of the saved read image and to set the color and tone of the image. Therefore, the various

setting operations displayed of Kubo et al. is not analogous to “a displaying device that displays on a screen shot an evaluation result on said evaluating device.”

In view of the foregoing reasons, Applicant submits that Kubo et al. do not disclose claim 1, and the rejection of claim 1 should be withdrawn. Dependent claims 2 and 3 are allowable for at least the same reasons with regards to independent claim 1.

Applicant respectfully submits that claims 4 and 5, although not rejected under any section or by any prior art, have been amended to clarify the invention and not intended to distinguish the claim from the prior art.

### **Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Demetra R. Smith-Stewart (Reg. No. 47,354), to conduct an interview in an effort to expedite prosecution in connection with the present application.

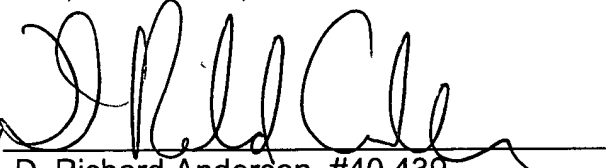
Pursuant to 37 C.F.R. § 1.17 and 1.136(a), Applicants respectfully petition a one (1) month extension of time for filing a response in connection with the present application. The required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for

any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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